

93 FEB -9 AM 8:55
HOUSE OF REPRESENTATIVES

FILED JAN 15 1993

I certify that the attached is a true and
correct copy of HJR 23, which
was filed of record on 1-15-93
and referred to the committee on:

By GRUSENDORF

Criminal Jurisprudence J.R. No. 23
Betty Ramsey
Chief Clerk of the House

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the denial of bail
2 to certain persons charged with certain violent offenses.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article I, Section 11a, of the Texas Constitution
5 is amended to read as follows:

6 Sec. 11a. (a) Any person (1) accused of a felony less than
7 capital in this State, who has been theretofore twice convicted of
8 a felony, the second conviction being subsequent to the first, both
9 in point of time of commission of the offense and conviction
10 therefor, (2) accused of a felony less than capital in this State,
11 committed while on bail for a prior felony for which he has been
12 indicted, [or] (3) accused of a felony less than capital in this
13 State involving the use of a deadly weapon after being convicted of
14 a prior felony, or (4) accused of a violent offense committed while
15 on parole or under mandatory supervision, after a hearing, and upon
16 evidence substantially showing the guilt of the accused of the
17 offense in (1) or (3) above, [or] of the offense committed while on
18 bail in (2) above, or of the offense committed while on parole or
19 under mandatory supervision in (4) above, may be denied bail
20 pending trial, by a district judge in this State, if said order
21 denying bail pending trial is issued within seven calendar days
22 subsequent to the time of incarceration of the accused; provided,
23 however, that if the accused is not accorded a trial upon the
24 accusation under (1) or (3) above, [or] the accusation and

Best Copy of a Document
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in Case No. 93-1017
The Courtroom and of the State Bar

1 indictment ~~used under (2) above~~, or the accusation or indictment
2 ~~used under (4) above~~ within sixty (60) days from the time of his
3 incarceration upon the accusation, the order denying bail shall be
4 automatically set aside, unless a continuance is obtained upon the
5 motion or request of the accused; provided, further, that the right
6 of appeal to the Court of Criminal Appeals of this State is
7 expressly accorded the accused for a review of any judgment or
8 order made hereunder, and said appeal shall be given preference by
9 the Court of Criminal Appeals.

10 (b) In this section, "violent offense" means:

- 11 (1) murder;
12 (2) aggravated assault;
13 (3) sexual assault;
14 (4) aggravated sexual assault; or
15 (5) aggravated robbery.

16 SECTION 2. This proposed amendment shall be submitted to the
17 voters at an election to be held on November 2, 1993. The ballot
18 shall be printed to provide for voting for or against the
19 proposition: "The constitutional amendment permitting the denial
20 of bail to certain persons charged with certain violent offenses
21 committed while on parole or under mandatory supervision."

HOUSE COMMITTEE REPORT

1st Printing

93MAR 17 PM 10: 21

HOUSE OF REPRESENTATIVES

By Grusendorf

H.J.R. No. 23

Substitute the following for H.J.R. No. 23:

By Hartnett

C.S.H.J.R. No. 23

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the denial of bail
2 to certain persons charged with certain violent or sexual offenses.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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8 a felony, the second conviction being subsequent to the first, both
9 in point of time of commission of the offense and conviction
10 therefor, (2) accused of a felony less than capital in this State,
11 committed while on bail for a prior felony for which he has been
12 indicted, [or] (3) accused of a felony less than capital in this
13 State involving the use of a deadly weapon after being convicted of
14 a prior felony, or (4) accused of a violent or sexual offense
15 committed while under the supervision of a criminal justice agency
16 of the State or a political subdivision of the State for a prior
17 felony, after a hearing, and upon evidence substantially showing
18 the guilt of the accused of the offense in (1) or (3) above, [or]
19 of the offense committed while on bail in (2) above, or of the
20 offense in (4) above committed while under the supervision of a
21 criminal justice agency of the State or a political subdivision of
22 the State for a prior felony, may be denied bail pending trial, by
23 a district judge in this State, if said order denying bail pending
24 trial is issued within seven calendar days subsequent to the time

of incarceration of the accused; provided, however, that if the accused is not accorded a trial upon the accusation under (1) or (3) above, ~~[or]~~ the accusation and indictment used under (2) above, or the accusation or indictment used under (4) above within sixty (60) days from the time of his incarceration upon the accusation, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder, and said appeal shall be given preference by the Court of Criminal Appeals.

(b) In this section:

(1) "Violent offense" means:

- (A) murder;
- (B) aggravated assault;
- (C) aggravated kidnapping; or
- (D) aggravated robbery.

(2) "Sexual offense" means:

- (A) aggravated sexual assault;
- (B) sexual assault; or
- (C) indecency with a child.

SECTION 2. This proposed amendment shall be submitted to the voters at an election to be held on November 2, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting the denial of bail to certain persons charged with certain violent or sexual offenses committed while under the supervision of a criminal

C.S.H.J.R. No. 23

1 justice agency of the state or a political subdivision of the
2 state."

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

3-15-93
(date)

Sir:

We, your COMMITTEE ON CRIMINAL JURISPRUDENCE
to whom was referred HJR 23 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

() do pass, without amendment.
() do pass, with amendment(s).
(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no An author's fiscal statement was requested. () yes (X) no

A criminal justice policy impact statement was requested. (X) yes () no

An equalized educational funding impact statement was requested. () yes (X) no

An actuarial impact statement was requested. () yes (X) no

A water development policy impact statement was requested. () yes (X) no

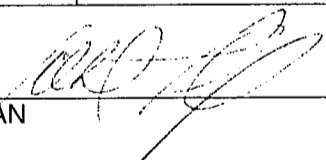
() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Place, Ch.	X			
Hartnett, V.C.	X			
Allen	X			
Combs	X			
De La Garza	X			
Granoff				X
Greenberg	X			
Nieto	X			
Solis	X			
Stiles				X
TALTON	X			

Total 9 aye
 0 nay
 0 present, not voting
 2 absent

CHAIRMAN 

1

COMMITTEE ON CRIMINAL JURISPRUDENCE

BILL ANALYSIS

BY: Grusendorf
By: Hartnett

H.J.R. 23
C.S.H.J.R. 23

BACKGROUND

Three years ago, a Fort Worth teenager was brutally raped and strangled to death by a parolee who was released on bail after being charged with the offense of aggravated sexual assault. Due to extenuating circumstances, the blue warrant, which would have otherwise kept him incarcerated, was withdrawn and the parolee was granted bail. Under current law, the judge was prohibited from denying bail to this individual.

Violent crimes against innocent victims such as the foregoing have escalated over the past decade. Often, these crimes are committed by repeat offenders while out on bail after being accused of another violent offense. One method of preventing further violence from these offenders is to deny them bail.

PURPOSE

C.S.H.J.R. 23 authorizes a judge to deny bail to an individual accused of committing a violent or sexual offense while under the supervision of a criminal justice agency of the State or a political subdivision of the State for a prior felony (i.e. those accused individuals who are on parole for a prior felony conviction). Bail may only be denied if, after a hearing, the evidence substantially shows that the accused committed the violent or sexual offense.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article I, Section 11a, of the Texas Constitution, by assigning current text as Subsection (a) and by adding Subsection (b):

Section 11a(a) Allows a judge to deny bail to an individual accused of committing a violent sexual offense while under the supervision of a criminal justice agency of the State or a political subdivision of the State for a prior felony. Bail may be denied if, at a hearing, the evidence substantially shows that the accused committed the violent or sexual offense.

Section 11a(b) defines violent and sexual offenses. Defines "violent offense" to include the following: murder; aggravated assault; aggravated kidnapping; or aggravated robbery. Defines "sexual offense" to include the following: aggravated sexual assault; sexual assault; or indecency with a child.

SECTION 2. Proposed amendment to be submitted to the voters at an election to be held on November 2, 1993. The ballot would provide voting for or against the proposition.

RULEMAKING AUTHORITY

It is the opinion of this committee that this bill does not delegate rulemaking authority to a state officer, agency, department, or institution.

COMPARISON OF ORIGINAL TO SUBSTITUTE

H.J.R. 23 allowed for a judge to deny bail to those individuals while on parole or under mandatory supervision who are accused of committing violent offenses. H.J.R. 23 defined "violent offenses" as murder; aggravated assault; sexual assault; aggravated sexual assault; or aggravated robbery.

The substitute allows a judge to deny bail to those individuals accused of a violent or sexual

offense while under the supervision of a criminal justice agency of the State or a political subdivision of the State for a prior felony (i.e. individuals who are on parole for a prior felony conviction). The substitute defines both violent and sexual offense and adds to the offense aggravated kidnapping and indecency with a child.

SUMMARY OF COMMITTEE ACTION

Public notice was posted in accordance with the rules. H.J.R. 23 was considered in a public hearing on March 1, 1993. The following persons testified in favor of the measure: Mary Thatcher, representing herself; Terry Thatcher, representing himself; Bettye N. Knopp, representing herself; and Knox Fitzpatrick, representing John Vance, Criminal District Attorney of Dallas County. John Boston representing the Texas Criminal Defense Lawyers Association, testified against the bill. Robert Kepple, representing the Texas District and County Attorneys Association testified on the bill. The following persons registered in favor of the bill but did not testify: Rhonda Cates, representing the Texas council on Family Violence; Shannon Noble, representing the Texas Women's Political Caucus; Hazel B. Korol, representing herself; Lacey Sloan, representing the Texas Association Against Sexual Assault; and Florence Olmstead, representing herself. H.J.R. 23 was left pending in Committee. On March 8, 1993, H.J.R. 23 was considered by the full committee and left pending in Committee. On March 15, 1993, H.J.R. 23 was considered by the full committee. A committee substitute was offered by Rep. Hartnett, which was adopted. The full committee voted to report H.J.R. 23, as substituted, to the full house with the recommendation that it do pass by a record vote of 9 ayes, 0 nays, 0 pnv and 2 absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 17, 1993

TO: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence
House of Representatives
Austin, Texas

IN RE: Committee Substitute for
House Joint Resolution
No. 23

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 23 (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses) this office has determined the following:

The bill would propose a constitutional amendment expanding the conditions under which bail may be denied. Some additional cost to local units of government might be expected as a result of individuals remaining in jail who would otherwise be released on bail. Cost to the State would only occur in cases where the state incurs federal court fines related to crowding in a county.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, WCP, JOL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 1, 1993

TO: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence
House of Representatives
Austin, Texas

IN RE: House Joint Resolution No. 23
By: Grusendorf

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 23 (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent offenses) this office has determined the following:

The bill would propose a constitutional amendment expanding the conditions under which bail may be denied. Some additional cost to local units of government might be expected as a result of individuals remaining in jail who would otherwise be released on bail. Cost to the State would only occur in cases where the state incurs federal court fines related to crowding in a county.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, WCP, LC

5

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

March 17, 1993

To: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence

In Re: Committee Substitute for
House Joint Resolution No. 23

From: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on House Joint Resolution No. 23 (relating to proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

March 1, 1993

To: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence

In Re: House Joint Resolution No. 23
By: Grusendorf

From: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on House Joint Resolution No. 23 (relating to proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent offenses), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

ADOPTED

APR 20 1993 *x*

Betty Messing
Chief Clerk
House of Representatives

Insert

By Grusendorf

~~H.J.R. No. 23~~

Substitute the following for H.J.R. No. 23:

By HARTNETT

~~C.S.H.J.R. No. 23~~

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the denial of bail
2 to certain persons charged with certain violent or sexual offenses.

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5 is amended to read as follows:

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7 capital in this State, who has been theretofore twice convicted of
8 a felony, the second conviction being subsequent to the first, both
9 in point of time of commission of the offense and conviction
10 therefor, (2) accused of a felony less than capital in this State,
11 committed while on bail for a prior felony for which he has been
12 indicted, [or] (3) accused of a felony less than capital in this
13 State involving the use of a deadly weapon after being convicted of
14 a prior felony, or (4) accused of a violent or sexual offense
15 committed while under the supervision of a criminal justice agency
16 of the State or a political subdivision of the State for a prior
17 felony, after a hearing, and upon evidence substantially showing
18 the guilt of the accused of the offense in (1) or (3) above, [or]
19 of the offense committed while on bail in (2) above, or of the
20 offense in (4) above committed while under the supervision of a
21 criminal justice agency of the State or a political subdivision of
22 the State for a prior felony, may be denied bail pending trial, by
23 a district judge in this State, if said order denying bail pending
24 trial is issued within seven calendar days subsequent to the time

of incarceration of the accused; provided, however, that if the accused is not accorded a trial upon the accusation under (1) or (3) above, ~~[or]~~ the accusation and indictment used under (2) above, or the accusation or indictment used under (4) above within sixty (60) days from the time of his incarceration upon the accusation, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder, and said appeal shall be given preference by the Court of Criminal Appeals.

(b) In this section:

(1) "Violent offense" means:

- (A) murder;
- (B) aggravated assault;
- (C) aggravated kidnapping; or
- (D) aggravated robbery.

(2) "Sexual offense" means:

- (A) aggravated sexual assault;
- (B) sexual assault; or
- (C) indecency with a child.

SECTION 2. This proposed amendment shall be submitted to the voters at an election to be held on November 2, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting the denial of bail to certain persons charged with certain violent or sexual offenses committed while under the supervision of a criminal

C.S.H.J.R. No. 23

1 justice agency of the state or a political subdivision of the
2 state."

End Insert

HOUSE ENGROSSMENT

By Grusendorf

H.J.R. No. 23

Substitute *((insert)))*
A JOINT RESOLUTION

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13 State involving the use of a deadly weapon after being convicted of
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16 of the State or a political subdivision of the State for a prior
17 felony, after a hearing, and upon evidence substantially showing
18 the guilt of the accused of the offense in (1) or (3) above, [or]
19 of the offense committed while on bail in (2) above, or of the
20 offense in (4) above committed while under the supervision of a
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22 the State for a prior felony, may be denied bail pending trial, by
23 a district judge in this State, if said order denying bail pending
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of incarceration of the accused; provided, however, that if the accused is not accorded a trial upon the accusation under (1) or (3) above, ~~[or]~~ the accusation and indictment used under (2) above, or the accusation or indictment used under (4) above within sixty (60) days from the time of his incarceration upon the accusation, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder, and said appeal shall be given preference by the Court of Criminal Appeals.

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- (C) aggravated kidnapping; or
- (D) aggravated robbery.

(2) "Sexual offense" means:

- (A) aggravated sexual assault;
- (B) sexual assault; or
- (C) indecency with a child.

SECTION 2. This proposed amendment shall be submitted to the voters at an election to be held on November 2, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting the denial of bail to certain persons charged with certain violent or sexual offenses committed while under the supervision of a criminal

H.J.R. No. 23

1 justice agency of the state or a political subdivision of the
2 state."

By: Grusendorf (Senate Sponsor - Nelson) H.J.R. No. 23
(In the Senate - Received from the House April 21, 1993;
April 21, 1993, read first time and referred to Committee on
Criminal Justice; May 12, 1993, reported adversely, with favorable
Committee Substitute by the following vote: Yeas 6, Nays 0;
May 12, 1993, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Whitmire	x			
Brown	x			
Nelson	x			
Sibley				x
Sims	x			
Turner	x			
West	x			

COMMITTEE SUBSTITUTE FOR H.J.R. No. 23

By: West

A JOINT RESOLUTION

proposing a constitutional amendment relating to the denial of bail
to certain persons charged with certain violent or sexual offenses.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article I, Section 11a, of the Texas Constitution
is amended to read as follows:

Sec. 11a. (a) Any person (1) accused of a felony less than
capital in this State, who has been theretofore twice convicted of
a felony, the second conviction being subsequent to the first, both
in point of time of commission of the offense and conviction
therefor, (2) accused of a felony less than capital in this State,
committed while on bail for a prior felony for which he has been
indicted, [or] (3) accused of a felony less than capital in this
State involving the use of a deadly weapon after being convicted of
a prior felony, or (4) accused of a violent or sexual offense
committed while under the supervision of a criminal justice agency
of the State or a political subdivision of the State for a prior
felony, after a hearing, and upon evidence substantially showing
the guilt of the accused of the offense in (1) or (3) above, [or]
of the offense committed while on bail in (2) above, or of the
offense in (4) above committed while under the supervision of a
criminal justice agency of the State or a political subdivision of
the State for a prior felony, may be denied bail pending trial, by
a district judge in this State, if said order denying bail pending
trial is issued within seven calendar days subsequent to the time
of incarceration of the accused; provided, however, that if the
accused is not accorded a trial upon the accusation under (1) or
(3) above, [or] the accusation and indictment used under (2) above,
or the accusation or indictment used under (4) above within sixty
(60) days from the time of his incarceration upon the accusation,
the order denying bail shall be automatically set aside, unless a
continuance is obtained upon the motion or request of the accused;
provided, further, that the right of appeal to the Court of
Criminal Appeals of this State is expressly accorded the accused
for a review of any judgment or order made hereunder, and said
appeal shall be given preference by the Court of Criminal Appeals.

(b) In this section:

(1) "Violent offense" means:

(A) murder;
(B) aggravated assault, if the accused used or
exhibited a deadly weapon during the commission of the assault;

(C) aggravated kidnapping; or

(D) aggravated robbery.

(2) "Sexual offense" means:

(A) aggravated sexual assault;

(B) sexual assault; or

(C) indecent with a child.

SECTION 2. This proposed amendment shall be submitted to the

voters at an election to be held on November 2, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting the denial of bail to certain persons charged with certain violent or sexual offenses committed while under the supervision of a criminal justice agency of the state or a political subdivision of the state."

* * * * *

Austin, Texas
May 12, 1993

Hon. Bob Bullock
President of the Senate

Sir:

We, your Committee on Criminal Justice to which was referred H.J.R. No. 23, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Whitmire, Chairman

* * * * *

WITNESSES

FOR AGAINST ON

Name: Terry Thatcher
Representing: Amy Lynn Thatcher
City: Weatherford

x

Name: Mary Thatcher
Representing: Amy Lynn Thatcher
City: Weatherford

x

**FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 23

By [Signature]
(Author/Senate Sponsor)
5/11/93
(date)

We, your Committee on CRIMINAL JUSTICE, to which was referred the attached measure, have on 5/11/93, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- ☒ ~~do~~ pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Whitmire, Chairman	<input checked="" type="checkbox"/>			
Brown, Vice-Chairman	<input checked="" type="checkbox"/>			
Nelson	<input checked="" type="checkbox"/>			
Sibley			<input checked="" type="checkbox"/>	
Sims	<input checked="" type="checkbox"/>			
Turner	<input checked="" type="checkbox"/>			
West	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>6</u>	<u>0</u>	<u>1</u>	<u>0</u>

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

[Signature]
COMMITTEE CLERK

[Signature]
CHAIRMAN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

April 28, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: House Joint Resolution
No. 23, as engrossed
By: Grusendorf

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 23, as engrossed (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses) this office has determined the following:

The bill would propose a constitutional amendment expanding the conditions under which bail may be denied. Some additional cost to local units of government might be expected as a result of individuals remaining in jail who would otherwise be released on bail. Cost to the State would only occur in cases where the state incurs federal court fines related to crowding in a county.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, EC, WCP, OC

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

73rd Regular Session

March 17, 1993

TO: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence
House of Representatives
Austin, Texas

IN RE: Committee Substitute for
House Joint Resolution
No. 23

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 23 (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses) this office has determined the following:

The bill would propose a constitutional amendment expanding the conditions under which bail may be denied. Some additional cost to local units of government might be expected as a result of individuals remaining in jail who would otherwise be released on bail. Cost to the State would only occur in cases where the state incurs federal court fines related to crowding in a county.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, WCP, JOL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

73rd Regular Session

March 1, 1993

**TO: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence
House of Representatives
Austin, Texas**

**IN RE: House Joint Resolution No. 23
By: Grusendorf**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 23 (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent offenses) this office has determined the following:

The bill would propose a constitutional amendment expanding the conditions under which bail may be denied. Some additional cost to local units of government might be expected as a result of individuals remaining in jail who would otherwise be released on bail. Cost to the State would only occur in cases where the state incurs federal court fines related to crowding in a county.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, WCP, LC

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

April 28, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: House Joint Resolution No. 23, as engrossed
By: Grusendorf

FROM: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on House Joint Resolution No. 23, as engrossed (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

March 17, 1993

To: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence

In Re: Committee Substitute for
House Joint Resolution No. 23

From: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on House Joint Resolution No. 23 (relating to proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

March 1, 1993

To: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence

In Re: House Joint Resolution No. 23
By: Grusendorf

From: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on House Joint Resolution No. 23 (relating to proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent offenses), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

ADOPTED

MAY 13 1993

Butte King
Secretary of the Senate

By Grusendorf

H.J.R. No. 23

Substitute the following for H.J.R. No. 23:

By *West*

C.S.H.J.R. No. 23

Insert
A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the denial of bail
2 to certain persons charged with certain violent or sexual offenses.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article I, Section 11a, of the Texas Constitution
5 is amended to read as follows:

6 Sec. 11a. (a) Any person (1) accused of a felony less than
7 capital in this State, who has been theretofore twice convicted of
8 a felony, the second conviction being subsequent to the first, both
9 in point of time of commission of the offense and conviction
10 therefor, (2) accused of a felony less than capital in this State,
11 committed while on bail for a prior felony for which he has been
12 indicted, [or] (3) accused of a felony less than capital in this
13 State involving the use of a deadly weapon after being convicted of
14 a prior felony, or (4) accused of a violent or sexual offense
15 committed while under the supervision of a criminal justice agency
16 of the State or a political subdivision of the State for a prior
17 felony, after a hearing, and upon evidence substantially showing
18 the guilt of the accused of the offense in (1) or (3) above, [or]
19 of the offense committed while on bail in (2) above, or of the
20 offense in (4) above committed while under the supervision of a
21 criminal justice agency of the State or a political subdivision of
22 the State for a prior felony, may be denied bail pending trial, by
23 a district judge in this State, if said order denying bail pending
24 trial is issued within seven calendar days subsequent to the time

1 of incarceration of the accused; provided, however, that if the
2 accused is not accorded a trial upon the accusation under (1) or
3 (3) above, [or] the accusation and indictment used under (2) above,
4 or the accusation or indictment used under (4) above within sixty
5 (60) days from the time of his incarceration upon the accusation,
6 the order denying bail shall be automatically set aside, unless a
7 continuance is obtained upon the motion or request of the accused;
8 provided, further, that the right of appeal to the Court of
9 Criminal Appeals of this State is expressly accorded the accused
10 for a review of any judgment or order made hereunder, and said
11 appeal shall be given preference by the Court of Criminal Appeals.

12 (b) In this section:

13 (1) "Violent offense" means:

14 (A) murder;

15 (B) aggravated assault, if the accused used or
16 exhibited a deadly weapon during the commission of the assault;

17 (C) aggravated kidnapping; or

18 (D) aggravated robbery.

19 (2) "Sexual offense" means:

20 (A) aggravated sexual assault;

21 (B) sexual assault; or

22 (C) indecency with a child.

23 SECTION 2. This proposed amendment shall be submitted to the
24 voters at an election to be held on November 2, 1993. The ballot
25 shall be printed to provide for voting for or against the
26 proposition: "The constitutional amendment permitting the denial
27 of bail to certain persons charged with certain violent or sexual

1 offenses committed while under the supervision of a criminal
2 justice agency of the state or a political subdivision of the
3 state."

11/10/00

SENATE AMENDMENTS

93 MAY 14 PM 3:48

2nd Printing

HOUSE OF REPRESENTATIVES

By Grusendorf

H.J.R. No. 23

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the denial of bail
2 to certain persons charged with certain violent or sexual offenses.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article I, Section 11a, of the Texas Constitution
5 is amended to read as follows:

6 Sec. 11a. (a) Any person (1) accused of a felony less than
7 capital in this State, who has been theretofore twice convicted of
8 a felony, the second conviction being subsequent to the first, both
9 in point of time of commission of the offense and conviction
10 therefor, (2) accused of a felony less than capital in this State,
11 committed while on bail for a prior felony for which he has been
12 indicted, [or] (3) accused of a felony less than capital in this
13 State involving the use of a deadly weapon after being convicted of
14 a prior felony, or (4) accused of a violent or sexual offense
15 committed while under the supervision of a criminal justice agency
16 of the State or a political subdivision of the State for a prior
17 felony, after a hearing, and upon evidence substantially showing
18 the guilt of the accused of the offense in (1) or (3) above, [or]
19 of the offense committed while on bail in (2) above, or of the
20 offense in (4) above committed while under the supervision of a
21 criminal justice agency of the State or a political subdivision of
22 the State for a prior felony, may be denied bail pending trial, by
23 a district judge in this State, if said order denying bail pending
24 trial is issued within seven calendar days subsequent to the time

of incarceration of the accused; provided, however, that if the accused is not accorded a trial upon the accusation under (1) or (3) above, ~~[or]~~ the accusation and indictment used under (2) above, or the accusation or indictment used under (4) above within sixty (60) days from the time of his incarceration upon the accusation, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder, and said appeal shall be given preference by the Court of Criminal Appeals.

(b) In this section:

(1) "Violent offense" means:

- (A) murder;
- (B) aggravated assault;
- (C) aggravated kidnapping; or
- (D) aggravated robbery.

(2) "Sexual offense" means:

- (A) aggravated sexual assault;
- (B) sexual assault; or
- (C) indecency with a child.

SECTION 2. This proposed amendment shall be submitted to the voters at an election to be held on November 2, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting the denial of bail to certain persons charged with certain violent or sexual offenses committed while under the supervision of a criminal

H.J.R. No. 23

1 justice agency of the state or a political subdivision of the
2 state."

By Grusendorf

H.J.R. No. 23

SENATE AMENDMENT NO. 1

By West

C.S.H.J.R. No. 23

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the denial of bail
2 to certain persons charged with certain violent or sexual offenses.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article I, Section 11a, of the Texas Constitution
5 is amended to read as follows:

6 Sec. 11a. (a) Any person (1) accused of a felony less than
7 capital in this State, who has been theretofore twice convicted of
8 a felony, the second conviction being subsequent to the first, both
9 in point of time of commission of the offense and conviction
10 therefor, (2) accused of a felony less than capital in this State,
11 committed while on bail for a prior felony for which he has been
12 indicted, [or] (3) accused of a felony less than capital in this
13 State involving the use of a deadly weapon after being convicted of
14 a prior felony, or (4) accused of a violent or sexual offense
15 committed while under the supervision of a criminal justice agency
16 of the State or a political subdivision of the State for a prior
17 felony, after a hearing, and upon evidence substantially showing
18 the guilt of the accused of the offense in (1) or (3) above, [or]
19 of the offense committed while on bail in (2) above, or of the
20 offense in (4) above committed while under the supervision of a
21 criminal justice agency of the State or a political subdivision of
22 the State for a prior felony, may be denied bail pending trial, by
23 a district judge in this State, if said order denying bail pending
24 trial is issued within seven calendar days subsequent to the time
25 of incarceration of the accused; provided, however, that if the

accused is not accorded a trial upon the accusation under (1) or (3) above, ~~[or]~~ the accusation and indictment used under (2) above, or the accusation or indictment used under (4) above within sixty (60) days from the time of his incarceration upon the accusation, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder, and said appeal shall be given preference by the Court of Criminal Appeals.

(b) In this section:

(1) "Violent offense" means:

(A) murder;

(B) aggravated assault, if the accused used or exhibited a deadly weapon during the commission of the assault;

(C) aggravated kidnapping; or

(D) aggravated robbery.

(2) "Sexual offense" means:

(A) aggravated sexual assault;

(B) sexual assault; or

(C) indecency with a child.

SECTION 2. This proposed amendment shall be submitted to the voters at an election to be held on November 2, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting the denial of bail to certain persons charged with certain violent or sexual offenses committed while under the supervision of a criminal

C.S.H.J.R. No. 23

1 justice agency of the state or a political subdivision of the
2 state."

3 73R10926 NSC-F

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

73rd Regular Session

May 11, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: Senate Committee
Substitute for House Joint
Resolution No. 23

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Committee Substitute for House Joint Resolution No. 23, (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses) this office has determined the following:

The bill would propose a constitutional amendment expanding the conditions under which bail may be denied. Some additional cost to local units of government might be expected as a result of individuals remaining in jail who would otherwise be released on bail. Cost to the State would only occur in cases where the state incurs federal court fines related to crowding in a county.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, EC, WCP, JOL

LEGISLATIVE BUDGET BOARD

Austin, Texas

**FISCAL NOTE
73rd Regular Session**

April 28, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: House Joint Resolution
No. 23, as engrossed
By: Grusendorf

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 23, as engrossed (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses) this office has determined the following:

The bill would propose a constitutional amendment expanding the conditions under which bail may be denied. Some additional cost to local units of government might be expected as a result of individuals remaining in jail who would otherwise be released on bail. Cost to the State would only occur in cases where the state incurs federal court fines related to crowding in a county.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, EC, WCP, OC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 17, 1993

TO: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence
House of Representatives
Austin, Texas

IN RE: Committee Substitute for
House Joint Resolution
No. 23

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 23 (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses) this office has determined the following:

The bill would propose a constitutional amendment expanding the conditions under which bail may be denied. Some additional cost to local units of government might be expected as a result of individuals remaining in jail who would otherwise be released on bail. Cost to the State would only occur in cases where the state incurs federal court fines related to crowding in a county.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, WCP, JOL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 1, 1993

TO: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence
House of Representatives
Austin, Texas

IN RE: House Joint Resolution No. 23
By: Grusendorf

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 23 (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent offenses) this office has determined the following:

The bill would propose a constitutional amendment expanding the conditions under which bail may be denied. Some additional cost to local units of government might be expected as a result of individuals remaining in jail who would otherwise be released on bail. Cost to the State would only occur in cases where the state incurs federal court fines related to crowding in a county.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, WCP, LC

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

May 11, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: House Joint Resolution No. 23, as amended
By: Grusendorf

FROM: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on House Joint Resolution No. 23, as amended (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

April 28, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: House Joint Resolution No. 23, as engrossed
By: Grusendorf

FROM: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on House Joint Resolution No. 23, as engrossed (proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

March 17, 1993

To: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence

In Re: Committee Substitute for
House Joint Resolution No. 23

From: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on House Joint Resolution No. 23 (relating to proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

March 1, 1993

To: Honorable Allen Place, Chair
Committee on Criminal Jurisprudence

In Re: House Joint Resolution No. 23
By: Grusendorf

From: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on House Joint Resolution No. 23 (relating to proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent offenses), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

8

F
ENROLLED

H.J.R. No. 23

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the denial of bail
2 to certain persons charged with certain violent or sexual offenses.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article I, Section 11a, of the Texas Constitution
5 is amended to read as follows:

6 Sec. 11a. (a) Any person (1) accused of a felony less than
7 capital in this State, who has been theretofore twice convicted of
8 a felony, the second conviction being subsequent to the first, both
9 in point of time of commission of the offense and conviction
10 therefor, (2) accused of a felony less than capital in this State,
11 committed while on bail for a prior felony for which he has been
12 indicted, [or] (3) accused of a felony less than capital in this
13 State involving the use of a deadly weapon after being convicted of
14 a prior felony, or (4) accused of a violent or sexual offense
15 committed while under the supervision of a criminal justice agency
16 of the State or a political subdivision of the State for a prior
17 felony, after a hearing, and upon evidence substantially showing
18 the guilt of the accused of the offense in (1) or (3) above, [or]
19 of the offense committed while on bail in (2) above, or of the
20 offense in (4) above committed while under the supervision of a
21 criminal justice agency of the State or a political subdivision of
22 the State for a prior felony, may be denied bail pending trial, by
23 a district judge in this State, if said order denying bail pending
24 trial is issued within seven calendar days subsequent to the time

1 of incarceration of the accused; provided, however, that if the
2 accused is not accorded a trial upon the accusation under (1) or
3 (3) above, [or] the accusation and indictment used under (2) above,
4 or the accusation or indictment used under (4) above within sixty
5 (60) days from the time of his incarceration upon the accusation,
6 the order denying bail shall be automatically set aside, unless a
7 continuance is obtained upon the motion or request of the accused;
8 provided, further, that the right of appeal to the Court of
9 Criminal Appeals of this State is expressly accorded the accused
10 for a review of any judgment or order made hereunder, and said
11 appeal shall be given preference by the Court of Criminal Appeals.

12 (b) In this section:

13 (1) "Violent offense" means:

14 (A) murder;

15 (B) aggravated assault, if the accused used or
16 exhibited a deadly weapon during the commission of the assault;

17 (C) aggravated kidnapping; or

18 (D) aggravated robbery.

19 (2) "Sexual offense" means:

20 (A) aggravated sexual assault;

21 (B) sexual assault; or

22 (C) indecency with a child.

23 SECTION 2. This proposed amendment shall be submitted to the
24 voters at an election to be held on November 2, 1993. The ballot
25 shall be printed to provide for voting for or against the
26 proposition: "The constitutional amendment permitting the denial
27 of bail to certain persons charged with certain violent or sexual

H.J.R. No. 23

1 offenses committed while under the supervision of a criminal
2 justice agency of the state or a political subdivision of the
3 state."

H.J.R. No. 23

President of the Senate

Speaker of the House

I certify that H.J.R. No. 23 was passed by the House on April 20, 1993, by the following vote: Yeas 126, Nays 16, 1 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 23 on May 18, 1993, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 23 was passed by the Senate, with amendments, on May 13, 1993, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 23[✓]
(1) was passed by the House
on April 20[✓]
(2), 1993, by the following vote:

Yeas 126[✓]
(3), Nays 16[✓], 1 present, not voting
(4);

and that the House concurred in Senate amendments to H.J.R. No. 25
on May 18[✓]
(5), 1993, by the following

vote: Yeas 140[✓]
(6), Nays 0[✓], 2 present, not voting
(7).

Chief Clerk of the House

**** Preparation: CT20;

I certify that H.J.R. No. 23[✓]
(1) was passed by the Senate, with
amendments, on May 13[✓]
(2), 1993, by the following
vote: Yeas 30[✓]
(3), Nays 0[✓]
(4).

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: CT22;

BILL ANALYSIS

Senate Research Center

H.J.R. 23
By: Grusendorf
Criminal Justice
5-10-93
Engrossed

BACKGROUND

Three years ago, a Fort Worth teenager was brutally raped and strangled to death by a parolee who was released on bail after being charged with the offense of aggravated sexual assault. Due to extenuating circumstances, the parolee was granted bail. Under current law, the judge was prohibited from denying bail to this individual.

Violent crimes against innocent victims have escalated over the past decade. Often these crimes are committed by repeat offenders while out on bail after being accused of another violent offense. One method of preventing further violence from these offenders is to deny them bail.

PURPOSE

As proposed, H.J.R. 23 provides for a constitutional amendment relating to the denial of bail to certain persons charged with violent or sexual offenses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 1, Section 11a, Texas Constitution, as follows:

Sec. 11a. (a) Authorizes any person accused of a violent or sexual offense committed while under the supervision of a criminal justice agency of the state or a political subdivision of the state for a prior felony to be denied bail pending trial. Makes conforming changes.

(b) Defines "violent offense" and "sexual offense."

SECTION 2. Requires this proposed amendment to be submitted to the voters at an election to be held on November 2, 1993. Sets forth the language for the ballot.

BILL ANALYSIS

Senate Research Center

C.S.H.J.R. 23
By: Grusendorf
Criminal Justice
5-12-93

Senate Committee Substitute

BACKGROUND

Three years ago, a Fort Worth teenager was brutally raped and strangled to death by a parolee who was released on bail after being charged with the offense of aggravated sexual assault. Due to extenuating circumstances, the parolee was granted bail. Under current law, the judge was prohibited from denying bail to this individual.

Violent crimes against innocent victims have escalated over the past decade. Often these crimes are committed by repeat offenders while out on bail after being accused of another violent offense. One method of preventing further violence from these offenders is to deny them bail.

PURPOSE

As proposed, C.S.H.J.R. 23 provides for a constitutional amendment relating to the denial of bail to certain persons charged with violent or sexual offenses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 1, Section 11a, Texas Constitution, as follows:

Sec. 11a. (a) Authorizes any person accused of a violent or sexual offense committed while under the supervision of a criminal justice agency of the state or a political subdivision of the state for a prior felony to be denied bail pending trial. Makes conforming changes.

(b) Defines "violent offense" and "sexual offense."

SECTION 2. Requires this proposed amendment to be submitted to the voters at an election to be held on November 2, 1993. Sets forth the language for the ballot.

BILL ANALYSIS

Senate Research Center

H.J.R. 23
By: Grusendorf
Criminal Justice
8-4-93
Enrolled

BACKGROUND

Three years ago, a Fort Worth teenager was brutally raped and strangled to death by a parolee who was released on bail after being charged with the offense of aggravated sexual assault. Due to extenuating circumstances, the parolee was granted bail. Under current law, the judge was prohibited from denying bail to this individual.

Violent crimes against innocent victims have escalated over the past decade. Often these crimes are committed by repeat offenders while out on bail after being accused of another violent offense. One method of preventing further violence from these offenders is to deny them bail.

PURPOSE

As enrolled, H.J.R. 23 provides for a constitutional amendment relating to the denial of bail to certain persons charged with violent or sexual offenses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article I, Section 11a, Texas Constitution, as follows:

Sec. 11a. (a) Authorizes any person accused of a violent or sexual offense committed while under the supervision of a criminal justice agency of the state or a political subdivision of the state for a prior felony to be denied bail pending trial. Makes conforming changes.

(b) Defines "violent offense" and "sexual offense."

SECTION 2. Requires this proposed amendment to be submitted to the voters at an election to be held on November 2, 1993. Sets forth the language for the ballot.

BILL ANALYSIS

Senate Research Center

H.J.R. 23
By: Grusendorf
Criminal Justice
8-4-93
Enrolled

BACKGROUND

Three years ago, a Fort Worth teenager was brutally raped and strangled to death by a parolee who was released on bail after being charged with the offense of aggravated sexual assault. Due to extenuating circumstances, the parolee was granted bail. Under current law, the judge was prohibited from denying bail to this individual.

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PURPOSE

As enrolled, H.J.R. 23 provides for a constitutional amendment relating to the denial of bail to certain persons charged with violent or sexual offenses.

RULEMAKING AUTHORITY

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SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article I, Section 11a, Texas Constitution, as follows:

Sec. 11a. (a) Authorizes any person accused of a violent or sexual offense committed while under the supervision of a criminal justice agency of the state or a political subdivision of the state for a prior felony to be denied bail pending trial. Makes conforming changes.

(b) Defines "violent offense" and "sexual offense."

SECTION 2. Requires the submission of this constitutional amendment to the voters at an election to be held November 2, 1993, and provides the language for the ballot.

H. J. R. No. 23

By GRASENDORF

HOUSE JOINT RESOLUTION

proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent offenses.

JAN 15 1993

1. Filed with the Chief Clerk.

FEB 1 1993

2. Read first time and referred to Committee on

Criminal Jurisprudence

MAR 15 1993

3. Reported favorably ^(as amended) and sent to Printer at 4:00 pm
_(as substituted)

MAR 17 1993

MAR 17 1993

4. Printed and distributed at 10:21 pm

MAR 18 1993

5. Sent to Committee on Calendars at 1:50 pm

APR 20 1993

6. Read second time ^{as subs.} ~~(amended)~~ and (finally) passed to Third Reading by a Record Vote of 126 yeas, 14 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

APR 20 1993

11. Ordered Engrossed at 11:55 am

APR 20 1993

12. Engrossed.

APR 20 1993

13. Returned to Chief Clerk at 4:45 p

APR 21 1993

14. Sent to the Senate.

Betty Murray
Chief Clerk of the House

APR 21 1993

15. Received from the House

APR 21 1993

16. Read, referred to Committee on Criminal Justice

17. Reported favorably

MAY 12 1993

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 13 1993

20. Regular order of business suspended by unanimous ^(a viva voce vote.) consent
yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 13 1993

22. Read second time passed to third reading by: (a viva voce vote.)
yeas, _____ nays.)

93 MAY 14 PM 3:48

HOUSE OF REPRESENTATIVES

_____ 23. Caption ordered amended to conform to body of bill.

MAY 13 1993

24. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,
0 nays to place bill on third reading and final passage.

MAY 13 1993

25. Read third time and passed by

(a viva voce vote.)

(30 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King

Secretary of the Senate

May 13, 1992

26. Returned to the House.

MAY 13 1993

27. Received from the Senate (~~with amendments.~~
(as substituted.)

MAY 18 1993

28. House (Concurred) (~~Refused to Concur~~) in Senate (~~Amendments~~
(Substitute) by a (Non-Record
Vote) (Record Vote of 140 yeas, 0 nays, 2 present,
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 18 1993

31. Ordered Enrolled at

1:05 pm

HOUSE OF REPRESENTATIVES

1993 APR 20 PM 4:45

HOUSE OF REPRESENTATIVES

93 MAR 17 PM 10:21